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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,812	10/19/2001	Juan Carlos Di Pietro		7572

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EXAMINER

BUCKLEY, DENISE J

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/981,812

**Applicant(s)**

DI PIETRO, JUAN CARLOS

**Examiner**

Denise J Buckley

**Art Unit**

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Pro-se Action***

***Election/Restrictions***

1. Applicant's election with traverse of election of species in Paper No. 5 is acknowledged. The traversal is on the ground(s) that invention generally relates to combinations of dummy bullet casings and barrels where the salient feature is the primer lodged inside the casing. This is not found persuasive because as applicant states the structure inside the casing is where the invention lies; and this is known in the art. The different structure specifics maybe an improvement where novelty lies in the details of one embodiment and not the other. For these reasons the election of species stand.
2. The election of species needs to be further clarified due to inconsistencies in applicant's response for election of species, the specification, and the drawings.
3. Applicant elected by stating "group G (figure 7)", yet group G is figure 8 in examiner's office action paper #4. Further, in the specification, the description of figure 7 on page 15 second full paragraph does not apply to figure 7. As best as examiner can decipher the description applies to figure 11. Therefore, examiner assumes applicant's intention is figure 7 in the drawings, since the claims elected go into the details of the casing which is shown in figure 7 and not in figure 8. For the record, please confirm this in next response. Claims 10,12-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Specification***

1. The disclosure is objected to because of the following informalities: The attached sheets of the specification are marked –up showing the typographical errors or inconsistencies that need to be corrected. In addition, the figures stated in the specification do not match–up with the associated figure in the drawings. The wrong figure number was stated in the specification on page 15. In claim 1, page 18 line 4 "remains" is in error. Appropriate correction is required. In addition, a brief description of figures 8-12 are needed, to comply with the statement below as well as the title of the invention needs to be changed to less words.

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

(g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "length of the casing is substantially shorter than the length of the large caliber munition" as stated in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 1-9, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

5. Claim 1 recites the limitation "said primer" in line 14; and the limitation "said munition" in line 29. Claim 3 recites the limitation "a forward cylindrical portion" in lines 3 and 4. Claim 11, recites the limitation "the tube" in line 3. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 6 is vague and indefinite since large caliber munitions can have various different lengths.

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7. In claim 9, line 4 delete [a] and insert --said--. Using "a" implies an additional casing, since there is only one casing "said" is appropriate.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3,5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al.(4222191) Lee et al. discloses and referring to figure 4 with examiner's markings shows a conversion plug (an adaptor) having the general shape of a shot gun shell (in a barrel with a large calibre interior chamber), having an elongated body (casing), a rear end and a nose end, counterbore 24 to receive the primer 25 (a seat for the primer at the rear end), a nipple 21 with a threaded end portion (a base removably attached to the casings rear end) including the primer and cylindrical flange, and having an orifice for passage of the firing pin, as shown in figure 2. Another counterbore marked in figure 4 (reduced diameter caliber bore extending from the casing nose towards a position inside said casing intermediate the rear and nose end) has a rim, and a passageway 17.

With respect to claim 3, counterbore 24 or cavity, see figure 6, conical outer surface 34 for the conical portion having a diameter decreasing towards the rear end or orifice, a forward cylindrical portion 23, and where the counterbore (missile seat) is formed by conversion unit 10 (the removable primer retainer cylindrical member) which has a narrow passageway coaxially align with the bore.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al.(4222191) in view of Chapin (4227330). Lee et al is disclosed above.

However, a barrel liner having a length substantially that of the barrel and a longitudinal

bore of a diameter substantially that of the reduced bore; or an O-ring with an

associated groove house in a tube to keep it centered in the barrel. Chapin shows an

attachment 112, substantially the length of the barrel and a longitudinal bore of a

diameter substantially less. Chapin further shows a channel 32 (groove) and annular

seal ring 33 (o-ring) inherently centers the body 12 (tube) by forming an interface seal

-with the breech area of the barrel. (column 4, 4<sup>th</sup> full paragraph). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

provide the liner and seal ring of Chapin with the conversion plug of Lee et al. in order

to adjust the axial translation (movement) of the primer area (or base portion). (column

8, lines 49-51) and to provide slidably of the body (tube/conversion plug) into a bore

(barrel/breech area). (column 4, line 43).

***Allowable Subject Matter***

11. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Stanley, Moller (5666756, 5448,848), Fritz, Perl, Tucker, Brown, Reynolds et al., Hughes, Dunn, Chapin (4232468), and 110Jett, Jr. are cited to show breech plugs for firearms.

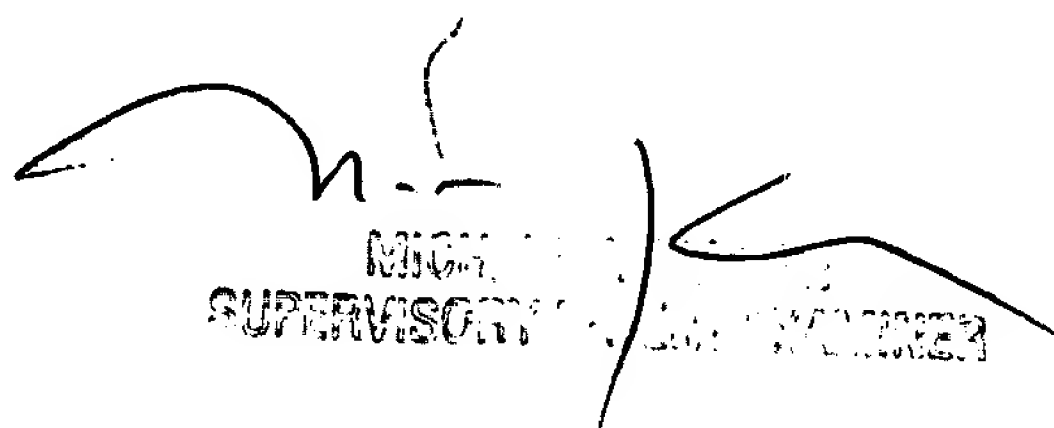
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise J Buckley whose telephone number is 703-305-0041. The examiner can normally be reached on Tues-Fri 10-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4180.



DJB  
February 19, 2003

  
MICHAEL CARONE  
SUPERVISOR